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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,078	01/02/2004	Rodney Edward Thomas	A310397.0US	1260

7590 06/08/2005

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EXAMINER

EDELL, JOSEPH F

ART UNIT PAPER NUMBER

3636

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/751,078	Applicant(s) THOMAS, RODNEY EDWARD	
	Examiner Joseph F Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/02/04, 03/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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5.6.6

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species I, Figures 1-4, in the reply filed on 24 May 2005 is acknowledged. Claims 8-14 are withdrawn from further consideration as being drawn to a nonelected species and claims 15-20 are withdrawn from further consideration as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant states that claim 1 is generic to Species I-IV. However, Species II (Figs. 5A and 5B) is not shown or disclosed as having a first child seat portion with a first side *pivotal* interconnected with the backrest. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,900,087 to Crisp.

Crisp discloses a seat assembly that includes all the limitations recited in claims 1-7. Crisp shows a seat assembly having a seat 12 (Fig. 1) and a backrest 16 (Fig. 1) wherein the backrest has a first child seat portion 28 (Fig. 2) with an infant seating

surface 2 (Fig. 2), an upholstered surface 28a (Fig. 1) opposite the infant seating surface, a first component 56 (Fig. 2) of an infant restraint system, a first side (Fig. 2) pivotally interconnected with the backrest, and an opposed second side (Fig. 2), as well as a second child seat portion 30 (Fig. 2) pivotally interconnected with the first child seat portion near the second side of the first child seat portion and including an infant back-supporting surface (Fig. 3), a child seating surface 30a (Fig. 4) opposite the infant-back supporting surface, and a second component 52 (Fig. 3) of the infant restraint system.

4. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,516,194 to Maule.

Maule discloses a seat assembly that includes all the limitations recited in claims 1-3 and 6. Maule shows a seat assembly having a seat 22' (Fig. 4) and a backrest 20' (Fig. 4) wherein the backrest has a first child seat portion 32 (Fig. 3) with an infant seating surface 38 (Fig. 3), an upholstered surface 40 (Fig. 3) opposite the infant seating surface, a first component 66 (Fig. 8) of an infant restraint system, a first side (Fig. 4) pivotally interconnected with the backrest, and an opposed second side (Fig. 4), as well as a second child seat portion 30 (Fig. 3) pivotally interconnected with the first child seat portion near the second side of the first child seat portion.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seat assemblies:

U.S. Pat. No. 1,965,048 to Morris	U.S. Pat. No. 2,584,481 to Mast et al.
U.S. Pat. No. 2,966,201 to Strahler	U.S. Pat. No. 3,951,448 to Hawie
U.S. Pat. No. 4,555,135 to Freeland	U.S. Pat. No. 4,756,573 to Simin et al.
U.S. Pat. No. 5,722,724 to Takei et al.	U.S. Pat. No. 6,769,735 B1 to Winkler
UK Publ. No. 2 232 582 A to Skold et al.	

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell
June 3, 2005